

### **REMARKS/ARGUMENT**

Claims 1, 3-71, 75-83, 85-87, 89-93, and 95-122 remain pending for further prosecution. Claims 2, 72-74, 84, 88, and 94 were previously cancelled. No new matter has been added.

#### **Telephone Interview and Interview Summary**

The Applicants note with appreciation the telephone interview and subsequent follow up with Examiner Craig on July 23. During the interview, the Applicants' representative discussed the obviousness rejections in the final office action based on the cited references, Watts US 6,810,370 ("Watts") and Sagawa US 5,408,638 ("Sagawa"). The Applicants' representative discussed Watts' failure to teach or suggest forming a combined set of differential equations using determined sets of partial differential equations associated with one of a plurality of physical systems, as generally recited, *inter alia*, in independent claim 1. Furthermore, the Applicants' referred to exemplary specification recitations of a combined set of partial differential equations representing a multiphysics system or model, as recited, for example, on pages 14-16 of the originally-filed specification. The examiner agreed that the final rejection of independent claims 1, 42, 82, 92, 116-118, 121, and 122 based on Watts in view of Sagawa should be withdrawn.

The Applicants' representative further informed Examiner Craig of the recently allowed claims in a child application to the present application, i.e., U.S. Application No. 10/042,936 ("936 application"), filed on January 9, 2002. Examiner Craig reviewed the allowed claims of the '936 application and indicated that a provisional obviousness-type double patenting rejection, based on claim 1 of the present application and claim 186 of the '936 application, would likely be forthcoming without further claim amendments or the filing of a terminal disclaimer in the present application.

**Obviousness Rejection of Claims 1, 3-71, 75-83, 85-87, 89-93,  
and 95-122 Based on Watts in view of Sagawa**

Claims 1, 3-71, 75-83, 85-87, 89-93, and 95-122 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Sagawa. These rejections are respectfully traversed.

For at least the reasons discussed above in the Interview Summary, Applicants submit that Watts, Sagawa, or any combination thereof, does not, and cannot, disclose or suggest independent claims 1, 42, 82, 92, 116-118, 121, and 122. Furthermore, it follows that Watts, Sagawa, or any combination thereof do not and cannot disclose or suggest claims 3-41, 43-71, 75-83, 85-87, 89-91, 93, 95-115, 119, and 120, which depend from one of independent claims 1, 42, 82, 92, or 118.

Claims 1, 3-71, 75-83, 85-87, 89-93, and 95-122 should be in a condition for allowance.

**Double Patenting Issue**

The examiner identified a potential provisional obviousness-type double patenting issue for claim 1 of the present application in view of allowed claim 186 of the commonly-owned '936 application. The common owner of the present application and the '936 application, COMSOL AB, is concurrently filing a terminal disclaimer to overcome potential double-patenting issues.

For at least these reasons, any potential double-patenting issue for claim 1 of the present application is rendered moot.

**CONCLUSION**

Applicants submit that claims 1, 3-71, 75-83, 85-87, 89-93, and 95-122 are in condition for allowance and action toward that is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (312) 425-8552.

\* \* \* \* \*

It is believed that no fees are due except the terminal disclaimer fee; however, should any additional fees be required (except for payment of the issue fee) or credits due, the Commissioner is authorized to deduct the fees or credit the overpayment to Nixon Peabody Deposit Account No. 50-4181, Order No. 801939-000101.

Respectfully submitted,

Dated: July 27, 2009

/Peter J. Prommer – Reg. No. 54743/  
Peter J. Prommer  
NIXON PEABODY LLP  
300 South Riverside Plaza, 16th Floor  
Chicago, Illinois 60606  
(312) 425-3900 – main  
(312) 425-3909 – facsimile

ATTORNEY FOR APPLICANTS